

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ALEXEI YAGUDIN,

Plaintiff,

-against-

MICHAEL GOLDIN, GINA GOLDIN,
JOHN DOES 1 through 100, and ABC
COMPANY 1 through 100, and said
parties being fictitious and unknown,

Defendants.
-----X

TOWNES, United States District Judge:

On January 14, 2011, Magistrate Judge Viktor V. Pohorelsky ("Judge Pohorelsky") issued a report and recommendation ("R&R"), noting, *inter alia*, that *pro se* plaintiff Alexei Yagudin had repeatedly failed to appear for conferences in violation of Court orders directing him to do so. In that R&R, Judge Pohorelsky recommended that plaintiff's complaint be stricken and that a default be entered against the plaintiff as to defendants' counterclaims. The R&R also notified plaintiff that any objections to the R&R had to be filed within 14 days of receipt of the R&R, and that failure to file timely objections would result in a waiver of the right to appeal any judgment or order entered by this Court in reliance on the R&R.

According to a notation entered on the docket sheet on May 4, 2011, by a Judicial Assistant to Judge Pohorelsky, a copy of the R&R was mailed to plaintiff on January 14, 2011. That mailing was not returned to the Court and there is nothing to suggest that it was undeliverable or that plaintiff did not receive it. Yet, to date, plaintiff has neither filed any objections nor otherwise responded to the R&R.

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
★ MAY 05 2011

BROOKLYN OFFICE

clm

A district court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Nonetheless, when no objections are filed, many courts seek to satisfy themselves “that there is no clear error on the face of the record.” Fed. R. Civ. P. 72(b) advisory committee note (1983 Addition); *see also Edwards v. Town of Huntington*, No. 05 Civ. 339 (NGG) (AKT), 2007 WL 2027913, at *2 (E.D.N.Y. July 11, 2007). This Court has reviewed the R&R for clear error on the face of the record, and finds no clear error. Accordingly, this Court adopts the R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1), and it is hereby

ORDERED that plaintiff’s complaint is stricken;

ORDERED that the Clerk of Court shall enter a default against plaintiff as to defendants’ counterclaims; and

ORDERED that, within thirty (30) days of the entry of judgment, defendants shall file a motion for a default judgment pursuant to Fed. R. Civ. P. 55(b)(2).


SANDRA L. TOWNES
United States District Judge

Dated: May 4, 2011
Brooklyn, New York